

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I (a) PLAINTIFF

KLAUSNER TECHNOLOGIES, INC.

DEFENDANTS

APPLE INC. and AT&T MOBILITY LLC

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF

LAND INVOLVED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

S. Calvin Capshaw
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Longview, Texas 75606-3999
Phone: (903) 236-9800

ATTORNEYS (IF KNOWN)

MAR 19 2008

II BASIS OF JURISDICTION

(PLACE AN 'X' IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	incorporated or Principal Place of Business in This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV NATURE OF SUIT (PLACE AN 'X' IN ONE BOX ONLY)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY 310 Airplane 315 Airplane Product 320 Assault Libel & Slander 330 Federal Employers Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury	PERSONAL INJURY 362 Personal Injury – Med. Malpractice 365 Personal Injury – Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	610 Agriculture	422 Appeal 28 USC 158 423 Withdrawal 28 USC 157	400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12 USC 3410 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 890 Other Statutory Actions	
120 Marine			620 Other Food & Drug			
130 Miller Act			625 Drug Related Seizure of Property 21 LISC 881	PROPERTY RIGHTS 820 Copyrights x 830 Patent 840 Trademark		
140 Negotiable Instrument			630 Liquor Laws			
150 Recovery of Overpayment & Enforcement of Judgment			640 R R & Truck			
151 Medicare Act			650 Airline Regs	SOCIAL SECURITY 861 HIA (1 395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))		
152 Recovery of Defaulted Student Loans (Excl Veterans)			660 Occupational Safety/Health		FEDERAL TAX SUITS 870 Taxes (U.S Plaintiff or Defendant 871 IRS – Third Party 26 USC 7609	
153 Recovery of Overpayment of Veteran's Benefits			690 Other			
160 Stockholders' Suits						
190 Other Contract				LABOR 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc Security Act		
195 Contract Product Liability						
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS				
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence				
220 Foreclosure	442 Employment	HABEAS CORPUS: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition				
230 Rent Lease & Ejectment	443 Housing Accommodations					
240 Torts to Land	444 Welfare					
245 Tort Product Liability	440 Other Civil Rights					
290 All Other Real Property						

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge From Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 U S § 271 – Patent Infringement

VII REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER FR C P 23

DEMAND Injunction and Demand CHECK YES only if demanded in complaint: JURY DEMAND: ☒ YES NO

VII. RELATED CASE(S) (See Instructions):

IF ANY C A 2:06-cv-275 (LED/JDL); Klausner Technologies, Inc v. Vonage Holdings Corp, et al; In the United States District Court for the Eastern District of Texas, Marshall Division
C A 2:07-cv-525 (DF); Klausner Technologies, Inc. v Apple Inc., et al; In the United States District Court for the Eastern District of Texas, Marshall Division

DATE March 19 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP
JUDGE MAG JUDGE